

AMENDED IN SENATE APRIL 13, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 597

Introduced by Senator Poochigian

February 23, 1999

An act to add Section 6508.5 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 597, as amended, Poochigian. Joint powers agencies.

Under existing law, two or more public agencies may jointly exercise any power common to the contracting parties through a separate administering agency.

This bill would provide that, *unless a joint exercise of powers agreement specifically provides to the contrary*, a joint powers agency shall not exercise the power of eminent domain for the purpose of conservation, open space, parks, or recreation, on any real property within the corporate limits of a city or the unincorporated area of a county without first obtaining the consent of the respective city council or county board of supervisors, and would further require prior city consent with respect to property in the unincorporated area of the county that is within the city's sphere of influence.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6508.5 is added to the
2 Government Code, to read:
3 6508.5. (a) *Unless the joint exercise of powers*
4 *agreement specifically provides to the contrary, this*
5 *section applies to an agency's exercise of eminent domain*
6 *on real property for the purpose of conservation, open*
7 *space, parks, or recreation.*
8 (b) The agency shall not exercise the power of
9 eminent domain on any real property within the
10 corporate limits of a city or the unincorporated area of a
11 county for the purpose of conservation, open space, parks
12 or recreation without first obtaining the consent of the
13 respective city council or county board of supervisors. If
14 the property proposed to be condemned by the agency
15 is in the unincorporated area of the county and also within
16 the sphere of influence of a city, the agency shall not
17 exercise the power of eminent domain on that property
18 without also first obtaining the consent of the city council
19 of that city. The participation of a county or a city as a
20 contracting party to an agreement shall not constitute the
21 consent required by this section.

